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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,967	12/05/2001	Peter Eric Evans	3760.007	3293

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10/07/2002

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EXAMINER

MARKOVICH, KRISTINE M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,967

Applicant(s)

EVANS, PETER ERIC

Examiner

Kristin M. Markovich

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22, line 3 is vague due to use of the phrase "optionally including" and is therefore indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Delamere (US Patent 4,986,694).

Delamere discloses an anchoring system having a base portion (26, figure 2) made of a semi-rigid material (column 3, lines 12-13) defining a cavity space therein adapted to contain a fluidic ballasting material (46, figure 2). The base portion has a preformed raised central region adapted to straddle a part of a portable barricade support frame or trestle cross-bar (column 3, lines 3-5). The base portion has an upper surface adapted to receive an upwardly vertically-extending post member (column 3, lines 33-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard (US Patent 5,788,405).

Delamere discloses the claimed device except for a vertical post. Beard discloses that it is known in the art to provide a vertical post on a barrier support (155, figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of Delamere with the post of Beard, in order to provide a visual indicator to a driver.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard as applied to claim 16 above, and further in view of Vockins (EP 176,973).

The combination of paragraph 6 above discloses the claimed device except for bayonet lock. Vockins discloses that it is known in the art to provide a bayonet lock (abstract) in order to secure a sign or visual indicator to the anchor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 6 above with the bayonet lock of Vockins, in order to provide a simple connection means to facilitate connection of the post to the anchor.

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8. Claims 18, 19, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard.

Delamere discloses an anchoring system having a base portion (26, figure 2) made of a semi-rigid material (column 3, lines 12-13) defining a cavity space therein adapted to contain a fluidic ballasting material (46, figure 2). The base portion has a preformed raised central region adapted to straddle a part of a portable barricade support frame or trestle cross-bar (column 3, lines 3-5). The base portion has an upper surface adapted to receive an upwardly vertically-extending post member (column 3, lines 33-34) or light emitting means.

Delamere discloses the claimed device except for the vertical post. Beard discloses that it is known in the art to provide a vertical post on a barrier support (155, figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of Delamere with the post of Beard, in order to provide a visual indicator to a driver.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard as applied to claim 18 above, and further in view of Vockins (EP 176,973).

The combination of paragraph 8 above discloses the claimed device except for bayonet lock. Vockins discloses that it is known in the art to provide a bayonet lock (abstract) in order to secure a sign or visual indicator to the anchor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 8 above with the bayonet lock of Vockins, in order to provide a simple connection means to facilitate connection of the post to the anchor.

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10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard as applied to claim 21 above, and further in view of Priesemuth (DE 3940007).

The combination of paragraph 8 above discloses the claimed device except for a photoelectric rechargeable light source. Priesemuth discloses that it is known in the art to provide a photoelectric rechargeable light source (14, figure 1; abstract) in order to provide a visual/light indicator as taught by Delamere. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 8 above with the photoelectric rechargeable light source of Priesemuth, in order to provide a visual/light indicator as taught by Delamere.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delamere in view of Beard as applied to claim 24 above, and further in view of Vockins (GB 2,194,268).

The combination of paragraph 8 above discloses the claimed device except for the slots to accept barrier boards. Vockins discloses that it is known in the art to provide slots to accept barrier boards (10, figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 8 above with the slots of Vockins, in order to provide an elongated barrier.

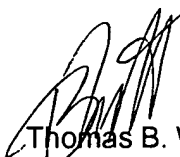
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristine M. Markovich whose telephone number is (703) 305-1676. The examiner can normally be reached on Mon-Fri from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703)305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600



KMM

September 28, 2002